

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DWAYNE L. RIECO,)	
)	21-cv-01373
Plaintiff,)	
)	ELECTRONICALLY FILED
v.)	
)	
MICHAEL ZAKEN, Superintendent, et)	
al.,)	
)	
Defendants.)	

**MEMORANDUM ORDER ADOPTING MAGISTRATE JUDGE’S
REPORT AND RECOMMENDATION (DOC. No. 11)**

This case has been referred to Chief United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 626(b)(1)(A) and (B), and Rules 72.C and 72.D of the Local Rules for Magistrate Judges.

On December 20, 2021, the Magistrate Judge issued a Report and Recommendation (Doc. No. 11) recommending that Plaintiff’s Motion for Leave to Proceed in forma pauperis (Doc. No. 3) be denied in accordance with 28 U.S.C. § 1915(g) and that this action be dismissed without prejudice to Plaintiff reopening it by paying the full statutory filing fee and administrative filing fee, totaling \$402.00. Service of the Report and Recommendation was made, and Plaintiff was advised that written objections to the Report and Recommendation were due by January 6, 2022. To date, Plaintiff has not filed any objections.

For the same reasons stated in the Magistrate Judge’s Report and Recommendation, Plaintiff’s motion for leave to proceed in forma pauperis is **DENIED**. Plaintiff is no stranger to

the *in forma pauperis* standards, generally, and the “three strike” standards, specifically, and Plaintiff’s Complaint fails to establish “imminent danger” as defined under the law.

After a de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 7th day of January, 2022:

It is hereby **ORDERED** that Plaintiff’s Motion for Leave to Proceed in forma pauperis (Doc. No. 3) is **DENIED**, the Report and Recommendation (Doc. No. 11) is adopted as the Opinion of the Court, and this case is **DISMISSED WITHOUT PREJUDICE** to reopening once Plaintiff pays in full the applicable filing fees.

So ORDERED this 7th day of January, 2022.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: DWAYNE L. RIECO
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(Via First Class U.S. Mail)